



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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LITIGATION BUREAU

Writer Direct: (518) 776-2553

November 30, 2021

Hon. Thérèse Wiley Dancks
Federal Building and U.S. Courthouse
P.O. Box 7346
Syracuse, New York 13261-7346

Re: *Little, Charles v. Soulia, Trevar, et al.*, 19-CV-0263 (TJM)(TWD)

Dear Judge Dancks:

This Office represents defendants in the above referenced action. Please accept this letter as a status update regarding the possibility of settlement and request for an exhaustion hearing to determine the factual issues identified the Court's Decision and Order and Report-Recommendation dated June 16, 2021 (the "R&R"). *See* Dkt. Nos. 80, 86.

With respect to settlement, plaintiff has made a very recent demand of \$9,500. However, there is no settlement authority for this case at this time and a settlement conference would not be fruitful.

Additionally, in light of the Court's findings with respect to exhaustion and unavailability set forth in the R&R, defendants respectfully request an exhaustion hearing, which we anticipate would take one or two days, to address whether the inmate grievance program was unavailable to plaintiff.

Thank you for your consideration of this matter.

Pursuant to 28 U.S.C. §1746, I declare that, on this date, I caused the plaintiff to be served with a copy of this letter request by First-Class United States Mail at the address below.

Respectfully yours,

s/ *Erik Pinsonnault*

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cc: Charles Little, DIN 14A0447
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